



**GAE Committee  
Public Hearing  
March 25, 2022**

**TESTIMONY OF SECRETARY OF THE STATE DENISE W. MERRILL REGARDING:**

- **S.B. No. 470, AN ACT CONCERNING THE SECRETARY OF THE STATE AND OTHER ELECTION ADMINISTRATORS REGARDING CERTAIN VOTER REGISTRATION INFORMATION AND REJECTED ABSENTEE BALLOTS**
  - **S.B. No. 471, AN ACT CONCERNING ELECTIONS AND STATE VOTING RIGHTS**
  - **S.B. No. 472, AN ACT CONCERNING THE RECOMMENDATIONS OF THE RISK-LIMITING AUDIT WORKING GROUP**
  - **H.J. No. 114, RESOLUTION PROPOSING AN AMENDMENT TO THE STATE CONSTITUTION TO PERMIT NO-EXCUSE ABSENTEE VOTING**
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- **S.B. No. 471, AN ACT CONCERNING ELECTIONS AND STATE VOTING RIGHTS**

S.B. No. 471, **AN ACT CONCERNING ELECTIONS AND STATE VOTING RIGHTS** would create a Connecticut state version of the federal Voting Rights Act. The story of American democracy is one of growing enfranchisement, too slow and in fits and starts, followed by retrenchment. Nationally, the Voting Rights Act has lost its power to redress historic inequities and lingering disparate impacts on racial and ethnic minorities. Some states have responded by enacting policies that disproportionately make it harder for members of those groups to participate in the political process, to cast their ballots, and to make their voices heard.

Connecticut has the opportunity to do the opposite. At a time when we engaged in a great debate over systemic inequities in our society, this bill would be a strong step towards identifying and

eliminating systemic inequities in Connecticut's voting systems. Connecticut can be a leader in protecting voting rights of all of its voters at a time when the federal government appears to be either unable or unwilling to do so.

Voters should choose their elected officials; elected officials shouldn't choose their voters. This bill would promote the former at the expense of the latter. I do have some concerns with the way the bill is currently written, particularly the implementation dates and the placing of Sections Six and Seven with my office as they should more properly reside with the State Election Enforcement Commission, so I would be happy to work with the proponents of the bill to fix those issues.

I support this bill.

- **S.B. No. 470, AN ACT CONCERNING THE SECRETARY OF THE STATE AND OTHER ELECTION ADMINISTRATORS REGARDING CERTAIN VOTER REGISTRATION INFORMATION AND REJECTED ABSENTEE BALLOTS**

Section one of this bill makes a necessary technical fix to the statutes concerning information contained in the publicly available voter file. This change will make the voter file easier for all relevant parties to use.

I support this section.

Sections two and three of this bill share the laudable goal of making it easier for voters to cast absentee ballots and for local election officials to count them. I do have some concerns with the practicality of the changes made however, and I would be happy to work with the proponents of the bill.

- **S.B. No. 472, AN ACT CONCERNING THE RECOMMENDATIONS OF THE RISK-LIMITING AUDIT WORKING GROUP**

Last year, I proposed and the legislature passed a bill to investigate and test the possibility of instituting a system of post-election Risk-Limiting Audits. Our current audit procedure audits a fixed number of precincts, regardless of the margin in any given election. Although there are multiple ways to conduct a risk-limiting audit, in general risk-limiting audits determine the number of ballots to audit based on the margins of a given election in order to determine that the results of an election tabulated by the machines match the ballots filled out by the voters to a level of statistical certainty. Statisticians and computer scientists have advocated for risk-limiting audits as a more precise method of testing the accuracy of election tabulators.

The task force created by last year's legislation has completed their pilot program to test one or more methods of risk-limiting audits following the 2021 municipal elections and issued their report to this committee at the beginning of this legislative session. S.B. No. 472, **AN ACT**

**CONCERNING THE RECOMMENDATIONS OF THE RISK-LIMITING AUDIT WORKING GROUP** purports to implement the recommendations of that task force. I believe there is still work to be done, however, to convert the task force recommendations to statutory language. I will let the Center for Voting Technological Research at UConn (the UConn VoTeR Center), take the lead on the specifics of what should change, as they did in their fantastic contributions to the work of the task force. I will briefly say that the implementation time of the task force is far too soon – this is a complicated procedure to set up and administer, and at least one additional cycle is necessary prior to implementation. More substantively, the bill still uses the language of “voting districts” to be audited, rather than “ballots,” and fundamentally misunderstands the goal of Risk-Limiting Audits, to ensure that the candidate that got the most votes is actually the winner of the election.

As I believe that a system of Risk-Limiting Audits for Connecticut state elections will dramatically help build voters’ faith in the results of those elections, I will be happy to work with the proponents of this bill to reflect the recommendations of the task force.

- **H.J. No. 114, RESOLUTION PROPOSING AN AMENDMENT TO THE STATE CONSTITUTION TO PERMIT NO-EXCUSE ABSENTEE VOTING**

H.J. No. 114, **RESOLUTION PROPOSING AN AMENDMENT TO THE STATE CONSTITUTION TO PERMIT NO-EXCUSE ABSENTEE VOTING** would bring Connecticut in line with the majority of states by giving more flexibility to voters as to how they could cast an absentee ballot.

Universal access to absentee ballots without an excuse is a common sense, voter-centric reform that has wide support across the country among members of all demographic groups and political parties, including in recent Connecticut public polling.

In 2020, we faced a uniquely challenging election. A deadly, global pandemic that is transmitted through respiratory droplets in direct person-to-person contact threatened to turn voters and poll workers into disease vectors and threaten our democracy by rendering our polling places unsafe. I worked with my staff and the local election officials in each of the 169 Connecticut towns to create a system of election administration in which every voter would be able safely cast their ballot without endangering their health. COVID-19 had exposed the fundamental inflexibility of our election system. We responded by using federal funding to give towns the resources they needed to hold safe elections and, with the help of the legislature and the governor, created a system where every voter could choose to cast an absentee ballot because of COVID-19.

The result was a resounding success. More than 1.8 million people – a record number of Connecticut voters – cast ballots in November 2020 and more than 650,000 of them chose to vote by absentee ballot – 35% of total votes cast. Through the hard work and dedication of election officials across the state, under impossibly difficult circumstances, the 2020 election went relatively smoothly in Connecticut and no Connecticut voter was forced to choose between

protecting their health and casting their vote and making their voice heard. Those changes were then successfully extended through 2021.

And now Connecticut voters are wondering why can't they have the choice between voting by absentee ballot, or voting in-person on Election Day in every election? Why indeed.

Unfortunately, as you on this Committee know, it is not as simple a question as it sounds.

Typical of New England, and basically nowhere else in the country, the Connecticut Constitution requires that voters appear in person on Election Day. In order for voters to decide, the legislature must first pass a constitutional amendment.

This amendment would remove the restrictions preventing voters from voting by absentee ballot without an excuse from the Connecticut Constitution.

A yes vote for the resolution is a vote to simply remove the restrictions against expanded access to absentee ballots from the Connecticut Constitution. This is only the first step in the process of giving Connecticut voters the opportunity to choose to vote by absentee ballot.

I support this resolution.

Thank you.